

March 28, 1978

LB 202, 665

all voted? This bill does have the Emergency Clause attached. Record. Sir? Call the roll.

CLERK: Roll call vote. 29 ayes, 14 nays, 1 present and not voting 5 excused and not voting. Vote appears on pages 1509-1510 of the Legislative Journal.

PRESIDENT: 202 fails to reach its Constitutional majority with the Emergency Clause. Therefore the question is shall LB 202 pass without the Emergency Clause. Record your vote. Record.

CLERK: 29 ayes, 12 nays 3 present and not voting 5 excused and not voting. Vote appears on page 1510 of the Legislative Journal.

PRESIDENT: LB 202 passes. Please read on Final Reading LB 665.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Senator Chambers moves to return LB 665 to Select File for a specific amendment. Read amendment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature. My presentation will be based on Article 3, Section 14 of the State Constitution and it says, "No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed." You probably won't listen to what I will say but I want it into the record because I think that there are some technical difficulties with this bill. I have seven cases which I will read from in the time that I have and some of you may desire to obtain an Attorney General's opinion to see if the things that I say are true or not. Now, with reference to the bill itself there are a number of matters which are not clearly expressed in the title as the Constitution requires. The first thing, the bill in the title fails to mention that there is a new statute of limitations established, it fails to mention that present actions which have already matured will be under a different statute of limitations. On page 2, line 5, all other theories of action under which a cause could be brought are being abolished by this bill so there are sections of statutes which are to be amended and those sections are not being specified to be amended or to be repealed as is required. On page 5, lines 10-13 there is a modification of the definition of negligence. I'm not sure that that is appropriate in a bill like this, but never-the-less it is there. The title says that the purpose of this bill is to define a term. Yet the term product liability action is specifically stated as being defined, the term state of the art is also defined. With what they have done with the definition of negligence, there is additional matter which is not covered by the title. When the title is not broad enough to cover the subject matter, bills have been ruled unconstitutional.